

Office of the State Public Defender  
**Collective Bargaining  
Fact Sheet  
July 1, 2009**

The American Federation of State, County, and Municipal Employees, (AFSCME) Council 9 represents all public defenders, research attorneys, and support staff (including administrative assistants, legal secretaries, paralegals, legal assistants, secretaries, and criminal defense investigators). Excluded employees are confidential employees, supervisors, managers, attorneys employed as independent contractors, temporary or seasonal employees, short term workers, student interns and part-time employees who work less than twenty hours per week.

Current contracts will expire June 30, 2011.

The contract term is established for a two year period. Non-economic negotiations for the 2012/2013 contracts will begin in the spring of 2011.

**Number of Positions Represented by AFSCME**

Attorneys	87
Support Staff	46
Criminal Investigators	15
<b>Total</b>	<b>148</b>

The State of Montana currently has 60 different collective bargaining units for all state agencies, representing 7,167 or 61% of the 11,691 executive branch employees.

**Number of Positions not represented by AFSCME**

Central Office	18
Appellate Office	9
Managers/Supervisors	32
<b>Total</b>	<b>59</b>

**Authority of the State Office of Labor Relations**

The State Office of Labor Relations is authorized as the exclusive bargaining representative for the executive branch (non-university system) by law and by executive order. Section 39-31-301, MCA, reads: "Representative of public employer. The chief executive officer of the state... or the designated authorized representative shall represent the public employer in collective bargaining with an exclusive representative." The Governor, through Executive Order 1-93, has designated the "chief of the Labor Relations Bureau, State Personnel Division, Department of Administration, as Chief Negotiator to represent the State of Montana in collective bargaining with representatives of certified collective bargaining units." Further, 39-31-306 (3), MCA, reads: "An agreement between the public employer and a labor organization must be valid and enforced under its terms when entered into in accordance with the provisions of this chapter and signed by the chief executive officer of the state... or by a representative..." Thus, any and all agreements over mandatory subjects of bargaining between representatives of certified collective bargaining units and the state of Montana must be reduced to writing and must be signed by the Chief of the State Office of Labor Relations (formerly the Labor Relations Bureau).

**Labor Management Committee (LMC)**

The LMC's purpose is to provide a forum to discuss and resolve issues between labor and management through a consensus approach. The LMC is comprised of up to five representatives and one alternate from management, including the chief public defender, and up to five members and one alternate appointed by the union. Three representatives from both sides constitute a quorum.

Issues addressed by the LMC include case workload, and review and comment on Human Resource policies and procedures developed by OPD including Flexible Work Hours, Confidentiality and Release of Information, Workplace Safety, and Case Management System issues. All members are provided training by the State Office of Labor Relations. Commission members are welcome as guests or may be requested to attend these sessions.

**2009 Legislative Approved Pay Increase**

Pursuant to 2-18-303 MCA, 2009, full time employees whose annual base pay is \$45,000 (\$21.635 per hour) or below will receive a one-time lump sum payment of \$450 for the first full pay period after July 1, 2009. All part time employees who are regularly scheduled to work 20 hours or more per week and whose base pay is \$21.635 per hour or less will receive a one-time lump side payment of \$225 on July 29, 2009. In addition, permanent full time and part time employees will receive an increase in the state share insurance contribution from \$626 to \$733 per month effective January, 2010.

During the labor negotiations for the contract period of July 1, 2009 through June 30, 2011 a career ladder for union employees was successfully negotiated, which will provide for movement within a pay range based upon relevant experience.

Questions may be directed to Barb Kain, Human Resource Officer, 406-841-2014.